

# Exhibit D

1 UNITED STATES DISTRICT COURT  
2 EASTERN DISTRICT OF NEW YORK

3 -----X  
4 ALBERT MAJORS IV,

5 PLAINTIFF,

6 -against-

Case No.:  
10CV4730

7 CITY OF NEW YORK, ROBERT PUMILIA, SHIELD  
8 #10574, BRIAN RODER SHIELD #27385, and  
9 JOHN and JANE DOES 2 through 10, individually  
10 and in their official capacities (the names  
11 John and Jane Doe being fictitious, as the  
12 true names are presently unknown),

13 DEFENDANTS.

14 -----X

15 DATE: January 27, 2011

16 TIME: 11:39 a.m.

17 EXAMINATION BEFORE TRIAL of  
18 the Plaintiff, ALBERT MAJORS IV, taken by the  
19 Defendants, pursuant to a Notice and to the  
20 Federal Rules of Civil Procedure, held at the  
21 offices of Harvis & Saleem, LLP, 305 Broadway,  
22 14th Floor, New York, New York 10007, before  
23 KIYOKO Y. PANZELLA, a Notary Public of the  
24 State of New York.

1 A P P E A R A N C E S:

2

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13 BY: LEO DORFMAN, ESQ., of Counsel

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## A. MAJORS IV

1 A. No.

2 Q. You didn't text them?

3 A. No.

4 Q. When you and Isaiah headed inside the building,  
5 no one else went with you?

6 A. No.

7 Q. Did you go straight to his apartment?

8 A. Yes.

9 Q. What floor is his apartment on?

10 A. It's on the third floor.

11 Q. How many other apartments are on that floor?

12 A. On his side, there's only two, two apartments.

13 Q. What do you mean, on his side?

14 A. 'Cause it's a two-sided building, it's like an A  
15 side and a B side, like an A staircase and a B staircase.

16 Q. Let's try and walk through it. As you're heading  
17 into the building, you walk through the door --

18 A. Open the door.

19 Q. -- and there's a lobby there?

20 A. There's a lobby, little lobby, very small,  
21 mailboxes.

22 Q. Are there any signs posted?

23 A. Yes.

24 Q. What kind of signs are posted?

25 A. New York City Housing signs, stuff like that, New

## A. MAJORS IV

1 York City Housing.

2 Q. Have you ever read the signs?

3 A. No.

4 Q. Do any of the signs talk about trespassing?

5 A. They might do (sic), yes.

6 Q. They do?

7 A. Yeah.

8 Q. Are there two elevators in the lobby or just one?

9 A. There's one elevator; there's two staircases.

10 Q. Does the lobby lead to both the A side and the B  
11 side of the building?

12 A. It's a door on the side of the elevator that  
13 leads you to the B side.

14 Q. Does the B side have a separate lobby?

15 A. Yes.

16 Q. And a separate elevator?

17 A. The B side is where the mail boxes is and the A  
18 side is where the elevator is.

19 Q. So you walked in on the A side?

20 A. Yeah.

21 Q. Did you and Isaiah walk up the stairs?

22 A. No, we took the elevator.

23 Q. And you went to his apartment?

24 A. Yeah, we went to his apartment, but before we  
25 even went to his apartment, it was people upstairs on the

## A. MAJORS IV

1 fourth floor in his building and he acknowledged them, say  
2 hi, say what's up to them, and we went in his house.

3 Q. If you guys got out of the elevator on the third  
4 floor --

5 A. It -- A side.

6 Q. You got out of the elevator on the third floor,  
7 right?

8 A. (Indicating.)

9 MR. SALEEM: Yes?

10 THE WITNESS: Yes.

11 Q. Where is Isaiah's apartment in relation to the  
12 elevator?

13 A. On the other side of the door, the B -- on the B  
14 side.

15 Q. When you first walk out of the elevator on the  
16 third floor and you turn left, what do you see?

17 A. That's the door.

18 Q. That's the door so the B side?

19 A. Yes.

20 Q. What about when you turn right? What's down that  
21 way?

22 A. The three apartments and the stairway.

23 Q. Is there a door to the stairway?

24 A. No, it isn't.

25 Q. When you get out of the elevator and you turn

## A. MAJORS IV

1 right, before you go anywhere, if you look ahead of you,  
2 can you see up the stairs?

3 A. No. You can see the stairs. You be looking dead  
4 at the stairs.

5 Q. You'd be looking straight at the stairs?

6 A. Yes.

7 Q. But you can't see up the stairs?

8 A. Can you see up the stairs? Only if you move up a  
9 little more to the point where you at the beginning of the  
10 step and you look up you could see upstairs.

11 Q. So you have to walk up to the staircase and look  
12 up the staircase to look up?

13 A. Yes.

14 Q. That night it's around 11 o'clock or 12 o'clock,  
15 right?

16 A. Mmm-hmm.

17 MR. SALEEM: Yes?

18 THE WITNESS: Yes.

19 Q. You get out of the elevator. Which way did you  
20 turn?

21 A. Before we even turn he acknowledged the people  
22 who was in the hallway.

23 Q. There were people on the fourth floor?

24 A. Yeah.

25 Q. Up the stairs?

## A. MAJORS IV

1 A. Several people.

2 Q. How did you know that?

3 A. 'Cause he went, walked to the steps and said  
4 what's up. You could see it from in front of the building.  
5 When you walk into the building, there's a big window that  
6 you could see in.

7 Q. So from outside, if you look up at the building,  
8 you can see through a window into the stairwell?

9 A. Yes.

10 Q. And if someone was standing outside at that time,  
11 you think they'd be able to see the people on the fourth  
12 floor?

13 A. Yes.

14 Q. Did you walk up to the stairs and look up to see  
15 the people up there?

16 A. I may have walked to the beginning of the steps  
17 area, see who it is, say what's up, and that's it.

18 Q. Did you that that night?

19 A. Yes.

20 Q. Who was up there?

21 A. Several people. It was couple -- only couple  
22 people I knew, but couple people I never seen before,  
23 things like that.

24 Q. When you say several people, how many?

25 A. It was a hallway full. I should say more than



## A. MAJORS IV

1 about ten people.

2 Q. You recognized a few of those people?

3 A. Yes.

4 Q. Who are the ones you recognized?

5 A. My friend Reef.

6 Q. Can you spell that?

7 A. R-E-E-F.

8 Q. Is that his real name?

9 A. I don't even know his real name. I know him by  
10 Reef.

11 And -- who else was up there -- Holla, my friend  
12 Holla, H-O-L-L-A.

13 Q. H-O-L-L-A?

14 A. H-O-L-L-A.

15 Q. There's no H at the end there?

16 A. No.

17 Q. Who else?

18 A. That's about it that I can name. Yeah.

19 Q. The two people you recognize, they were Reef and  
20 Holla?

21 A. Yes.

22 Q. What were these ten or so people doing?

23 A. They was playing dice.

24 Q. Were they playing dice for money?

25 A. Yeah.

## A. MAJORS IV

1 landing to proceed to go up the stairs.

2 Q. Let me back up for just a second. What does the  
3 sneaking officer look like?

4 MR. SALEEM: Objection to form; you can  
5 answer.

6 A. When I say sneaking, meaning he was turning his  
7 radio down (indicating), turn his radio down so nobody  
8 could hear it and, like, trying to ease his way  
9 (indicating), without nobody hearing him.

10 Q. Looking through to your left to the other  
11 staircase, you saw an officer walking up the stairs?

12 A. Not walking up the stairs, but walking on the  
13 third floor -- coming from up going up the stairs, turning  
14 the railing to go -- to proceed to go up the stairs towards  
15 the forth floor.

16 Q. And at the same time you saw this officer, he put  
17 his hand on his radio?

18 A. His hand was on his radio. If it wasn't his  
19 radio, it was his gun. His hand was right here on his hip  
20 (indicating), and he was slowly, like, trying to eavesdrop.

21 Q. Did you see him turn down his radio?

22 A. Only reason why I say he turn down his radio is  
23 because I didn't hear him and, you know, first thing you  
24 look for when you hear the police is their radios going on,  
25 all the operators going down, and his radio was down and

## A. MAJORS IV

1 his hand was right here on his hip like this (indicating).

2 Either he was holding his gun or his radio.

3 Q. Indicating right hand on the hip?

4 A. Yes.

5 Q. So you didn't actually see him turn down his  
6 radio?

7 A. No, I didn't see that. I was assuming --

8 Q. You were just assuming that?

9 A. Yes.

10 Q. And you saw him walking up the stairs?

11 A. No, I didn't see him walking up the stairs. He  
12 walked around the stairs. He was coming up the -- up the  
13 stairs, meaning from the second to third floor you have to  
14 walk, do a little turn (indicating).

15 Q. Is that like a landing?

16 A. Yeah, landing. You gotta walk like a little  
17 couple steps and then you at the beginning of the step.

18 Q. What was the next thing you saw?

19 A. The next thing I saw after that was him running  
20 up the stairs. Then when he was running up the stairs, I  
21 have a phone so I hung up my phone; you see guys running on  
22 the fourth floor because all you gotta do, look up, you see  
23 guys running into they crib on the fourth floor.

24 But the time I see them running into they house,  
25 I got to make my step. It was an officer coming from on

## A. MAJORS IV

1 the B side staircase comes around the steps, and he was  
2 like, "Hey, hey." By time those guys got in they building  
3 -- I mean, they apartment. The other officer who went up  
4 the steps, meaning sneaking up the steps, came down on me  
5 and grabbed me like that (indicating), "Where you going,  
6 big guy?"

7 His partner was in front me. Any way you put it,  
8 I couldn't make any kind of gesture, any kind of move  
9 besides me step up and trying to go to my friend's house  
10 because I couldn't.

11 And it would be more understandable if you were,  
12 like, see the building, and you would know what I'm saying  
13 when you see the building.

14 MR. DORFMAN: Off the record.

15 (Whereupon, an off-the-record discussion was  
16 held from 4:07 to 4:07.)

17 Q. I'm just going to rewind and take it step-by-step  
18 then.

19 A. Okay.

20 Q. You were sitting on the landing, you're talking  
21 to Jillina, probably having an argument --

22 A. Yes.

23 Q. -- when see an officer come around the landing.

24 A. Yes.

25 Q. Did you recognize the officer when you saw him?

## A. MAJORS IV

1 A. No.

2 Q. Have you ever met that officer before?

3 A. No.

4 Q. Could you see any of his features on his face, or  
5 did you just see that it was someone wearing a uniform?

6 A. Which officer?

7 Q. The one that you first saw when you looked left,  
8 coming around the landing.

9 A. I couldn't see his face. All I see was his  
10 backside originally, his backside and his side. That's all  
11 I could see.

12 Q. It was a uniformed police officer --

13 A. Yes.

14 Q. -- in blue uniform?

15 A. Blue uniform.

16 Q. Soon after you saw that, you looked up, and you  
17 saw the people who were playing dice earlier run past on  
18 the fourth floor?

19 A. Meaning they opened the exit door, ran on the B  
20 side, and run in they house.

21 Q. They ran into an apartment on the B side on the  
22 fourth floor --

23 A. Yes.

24 Q. -- through the door separating A and B?

25 A. Yes.

## A. MAJORS IV

1 Q. Did you see how many people ran by?

2 A. I told you it was, like, more than ten people in  
3 there. Every one of them made it to where they were  
4 supposed to be, where they was gonna be at.

5 Q. Did you see how many people run by?

6 A. Not accounted for, no. I just saw a crowd run  
7 by.

8 Q. Did you see any of the faces of the people that  
9 ran by?

10 A. I can really say that neither, no.

11 Q. From where you were sitting and the angle at  
12 which you were looking up the stairs, could you just see  
13 legs, or could you see entire bodies?

14 A. You can see legs. You could see legs.

15 When them (sic) coming from the inside -- I mean,  
16 coming inside the door --

17 I mean, when them (sic) opening the door and them  
18 running, it was like a glance. Like, you really couldn't  
19 see too much, but I see guys running. They step --  
20 stepping on each other, everything. It was getting them --  
21 them trying to get away.

22 Q. You saw the legs of a number of people --

23 A. People.

24 Q. -- run past and into one of the apartments?

25 A. Yes.

## A. MAJORS IV

1 Q. You didn't see the apartment that they ran into  
2 right?

3 A. No, nope. You can't see the apartment.

4 Q. All you saw was the legs of people running by?

5 A. Exactly.

6 Q. Were you still on the phone with Jillina when  
7 that happened?

8 A. I hung up my phone.

9 Q. Did you say goodbye?

10 A. No. It was a hang up, immediate hang up.

11 Q. Why did you hang up your phone?

12 A. I seen the police.

13 Q. Do you always hang up the phone when you see the  
14 police while you're on the phone?

15 MR. SALEEM: Objection; you can answer.

16 A. No, not -- no, I don't.

17 Q. Why did you do this that time?

18 A. 'Cause I knew it was something going on, and I  
19 knew it was something serious.

20 Q. What do you mean?

21 A. Meaning when you see police running in the  
22 building, chasing some guys, you're not trying to be on no  
23 phone. You want to be on point, you know what I'm saying,  
24 you wanna be -- know where your surroundings are, know what  
25 I'm saying, you know, you want to know what you doing, what

## A. MAJORS IV

1 you about to do. You don't want to be on the phone oh, la  
2 la la; you want to be on point, basically.

3 Q. So you wanted to make sure your attention was  
4 focussed on what was going on in the building?

5 A. Exactly, exactly.

6 Q. You stood up from the steps, right?

7 A. Stood up.

8 Q. The steps, if -- I just want to get a description  
9 -- if you're walking up the steps about to go up the steps,  
10 there's a number of steps and then a landing and then  
11 another set of steps?

12 A. It's straight flights. It's just one flight, one  
13 flight of stairs (indicating), and then you on a landing  
14 (indicating), the next flight, that's going to be a  
15 different floor; understand what I'm saying?

16 Q. Is there's a landing in between the two floors?

17 A. In between --

18 All right, say this is the fourth floor  
19 (indicating). You at the fourth floor; it is the flight,  
20 you go down, you're on the third floor (indicating). It's  
21 one level, one --

22 Q. -- one flight of stairs?

23 A. Exactly. This that's what I'm trying to say.

24 Q. And then to get from the fourth to the fifth  
25 floor, then the stairs would go in the other direction?



## A. MAJORS IV

1       A.       Exactly. You would have to go up, come around,  
2       then go back again.

3       Q.       So there's no landing in between --

4       A.       -- between.

5       Q.       -- the floors?

6       A.       No.

7       Q.       When you were sitting on the staircase on the  
8       phone, were you halfway up the staircase?

9       A.       I was -- I couldn't have been all the way up  
10       'cause five all the way up. You wouldn't be able to see  
11       through the red door, so I would say I was approximately in  
12       the middle of the step.

13       Q.       Plus if you were all the way up you would be on  
14       the fourth floor, correct?

15       A.       Exactly. I wasn't all the way up.

16       Q.       So you hang up the phone and then you stood up?

17       A.       I hung up the phone, stood up, and tried to make  
18       my move into the house. Those guys, they was in they  
19       house, door closed or whatever it is 'cause all you heard  
20       was a slamming door; the officer immediately seen me when I  
21       stood up right there on the steps, so he came down on me  
22       and grabbed me (indicating), and his partner was in front  
23       of me.

24                       MR. SALEEM: Indicating arms folded in front  
25       of his chest.

## A. MAJORS IV

1 THE WITNESS: In front of my chest from  
2 behind. He grabbed me from behind.

3 Q. Did one officer approach you from the front at  
4 about the same time that another officer wrapped his arms  
5 around you from the back?

6 A. Yes.

7 Q. The officer who wrapped his hands around you from  
8 the back, do you know that officer's name now?

9 A. No.

10 Q. How about the name of the officer who approached  
11 you from the front?

12 A. No.

13 Q. Were they both wearing uniforms?

14 A. Yes.

15 Q. The officer who approached you from the front,  
16 what color was his hair?

17 A. He had his hat on.

18 Q. About how tall was he?

19 A. He was a short -- he was short and very stocky,  
20 short, stocky officer.

21 Q. Do you know the color of his eyes?

22 A. No.

23 Q. Did you note any other features about him?

24 A. He was a -- he was a white man.

25 Q. Anything else stand out about his appearance?

## A. MAJORS IV

1 A. No.

2 Q. At some point, did you get a look at the man who  
3 wrapped his arms around you from behind --

4 A. At a point.

5 Q. The officer who did that, was he wearing a hat as  
6 well?

7 A. No.

8 Q. What was the color of his hair?

9 A. It had to have been like a gold or a brown. He  
10 had a -- he was wearing a -- a yarmulke.

11 Q. Was he wearing a yarmulke on his head?

12 A. Yes.

13 Q. Was he also short and stocky?

14 A. No.

15 Q. He was taller than the officer who approached you  
16 from the front?

17 A. Yes.

18 Q. Was he skinnier as well?

19 A. Yes.

20 Q. Did anything else stand out about his features?

21 A. No.

22 Q. At that point, were those the only two police  
23 officers around?

24 A. Yes.

25 Q. At that point, was there anyone else in the

## A. MAJORS IV

1 hallway?

2 A. No.

3 Q. You didn't see anyone else on the fourth floor?

4 A. No.

5 Q. And you didn't see anyone else on the third  
6 floor?

7 A. No.

8 Q. Did you look over through the window and notice  
9 anybody?

10 A. No.

11 Q. The officer who wrapped his arms around you from  
12 behind, was he the first to speak?

13 A. Yes, he was.

14 Q. What did he say?

15 A. "You not -- what's wrong with you, man, you know  
16 not to run from the police."

17 Q. Did you respond?

18 A. Yes. I responded, "Who's running?"

19 Q. Did he answer you?

20 A. No. He was just trying to --

21 No, he didn't answer.

22 Q. Did he say anything else?

23 A. "Yo, man, you guys playing dice in the hallway?"

24 Q. Who said that?

25 A. That's the guy who grabbed me from behind.

## A. MAJORS IV

1 Q. When you said that, was he still holding you from  
2 behind?

3 A. No. At that time they had to -- I was in --  
4 I was still on the steps, so they really had to  
5 bring me down. They had to bring me down to where it was,  
6 like, flat because, you know, it was on the steps so they  
7 brought me down, and they put me against the wall.

8 Q. When you say that they brought you down, they  
9 escorted you down the stairs?

10 A. Yes. It was like two steps. You step right  
11 there, boom; we was on the third floor, and they said --  
12 Yeah, and they told me to go against the wall.

13 Q. Did you go up against the wall with your chest to  
14 the wall or with your back to the wall?

15 A. With my back to the wall.

16 Q. So you stood up against the wall with your back  
17 to the wall?

18 A. Yes.

19 Q. Who told you to do that, which one of two?

20 A. The officer who grabbed me from behind.

21 Q. At that point, were you facing both of them?

22 A. Yes.

23 Q. Was one of them to your left and the other to  
24 your right?

25 A. Yes.

## A. MAJORS IV

1 Q. Which one was to your left?

2 A. I would say the short, stocky one was to my left  
3 and the skinny, tall one was to my right.

4 Q. You would say that or --

5 A. That's what happened, yes.

6 Q. That's what happened?

7 A. Yes.

8 Q. Who was the next person to say something?

9 A. My phone rang, and at that time, I wasn't  
10 handcuffed yet.

11 My phone rang -- it was either my mother or my  
12 girlfriend calling my phone back. I went in my pocket,  
13 "Hey, man, get your hands out your pocket," "My phone  
14 ringing," "Yo, you can't answer your phone right now."

15 Q. Who did you have that exchange with?

16 A. That was the officer who grabbed me from behind.

17 Q. That was the taller one --

18 A. Yes.

19 Q. -- who was standing to your right?

20 A. Yeah.

21 Q. Your phone rang and you reached for your phone,  
22 and that officer told you that you can't reach for your  
23 phone right now?

24 A. You can't answer your phone, exactly.

25 Q. Did you say something after that?

## A. MAJORS IV

1 A. No.

2 Q. Did one of the two officers say something after  
3 that?

4 A. Yes.

5 Q. What was the next thing either one of them said?

6 A. The next thing that they said was, "Yo, man, go  
7 and knock on your buddy's door" --

8 Oh, no, first they said, before they even got  
9 there they were saying, "You -- you live in this building?"  
10 I said, "No, I don't."

11 Q. Was that before your phone rang?

12 A. That was before my phone rang, yeah.

13 They said, "What you doing in the building?" and  
14 I told them I have a friend in the building.

15 Q. This was still before your phone rang?

16 A. Yes.

17 Q. Were you already up against the wall at that  
18 point?

19 A. Yes. Yes, I was.

20 Q. While you were having this exchange with the  
21 officers, did either one of them have a hand on you?

22 A. No. One of them was trying to really, like, stop  
23 me from moving period, like no movement whatsoever.

24 Q. Was he standing close to you?

25 A. Yes.

## A. MAJORS IV

1 Q. And the other one was standing a little farther  
2 away?

3 A. Yes.

4 Q. When you say close to you, about two feet away?

5 A. Like, right here (indicating), like, right next  
6 to me.

7 Q. You said he was trying to stop you from moving?

8 A. Yeah, period, like I couldn't make any kind of  
9 move whatsoever.

10 Q. You think that he was just making sure you  
11 weren't going to make any kind of move?

12 A. Yeah, that too.

13 Q. When you said that you have a friend in this  
14 building, what was the next thing that was said?

15 A. "Oh, who your buddies upstairs who just ran into  
16 that apartment?"

17 Q. Let me back up for a second.

18 When you said one of them asked you, "Do you live  
19 in this building?" --

20 A. Yes.

21 Q. -- which one was that?

22 A. The stocky asked me do I have anybody who live in  
23 the building, and between that time right there, that's  
24 when my phone ring, and he told me to stop my movement.

25 After my phone was ringing, they told me to stop



## A. MAJORS IV

1 my movement. I said, "I can't answer my phone?" He was  
2 like, "No," and I guess I was just fidgeting too much, and  
3 he said, "Oh, yo, man, handcuff him."

4 They handcuffed me. That's the first thing  
5 before anything, before even asking me where my friend  
6 live, they handcuffed me.

7 Q. Let me back up for a second. I want you to just  
8 try to answer the question I'm asking you, but I just want  
9 to get a few things straight.

10 Once you were put up against the wall, one of the  
11 two officers asked you if you live in this building?

12 A. Yes.

13 Q. Which one of them did that?

14 A. The stocky one, the one to my left.

15 Q. And which one asked you, "What are you doing in  
16 this building?"

17 A. That's the tall, tall, skinny one.

18 Q. The taller one asked you that?

19 A. Yes.

20 Q. And you said, "I have a friend in the  
21 building" --

22 A. Yes.

23 Q. -- then your phone rang?

24 A. Yeah -- no --

25 I'mma say (sic) he ran with, "Oh, you guys are

## A. MAJORS IV

1 playing dice" first. Once he said that, after the "you  
2 guys playing dice," I'm like, "No, man, I'm not playing no  
3 dice. I got friends in the building, you know what I'm  
4 saying." He like, "Oh, stop your movement," my phone rang,  
5 and I went to go in my pocket and he said, "Yo, man, keep  
6 your hands out your pocket," and I guess he -- like I said,  
7 I probably was fidgeting or whatever, and he handcuffed me.

8 MR. DORFMAN: I just want to show you  
9 something.

10 Can you read back the last question I asked,  
11 please?

12 (Whereupon, the referred to question was  
13 read back by the Reporter.)

14 Q. I asked you, "And then your phone rang?" and then  
15 you gave me a long speech about everything that happened  
16 after that.

17 A. Okay.

18 MR. SALEEM: You asked a question and he  
19 gave you an answer.

20 Q. I apologize. I think it'll go quicker if you  
21 just try and answer the questions that I'm asking.

22 MR. SALEEM: I think he did.

23 MR. DORFMAN: I didn't say he didn't answer;  
24 it's just.

25 MR. SALEEM: He gave you more than you

## A. MAJORS IV

1                   wanted.

2                   MR. DORFMAN: It'll just go quicker --

3                   MR. SALEEM: That's fine.

4           Q.       Which of the officers asked you if you were  
5    playing dice?

6           A.       The tall, the tall one.

7           Q.       And you said, "No, I have a friend in the  
8    building"?

9           A.       Yes.

10          Q.       Which officer asked you to stop fidgeting?

11          A.       The tall guy.

12          Q.       Which officer told you that you couldn't answer  
13   the phone?

14          A.       The tall one.

15          Q.       Was that the order of things?

16          A.       What? What do you mean?

17          Q.       I apologize.

18          A.       Okay.

19          Q.       What happened after the taller officer told you  
20   not to answer your phone?

21          A.       He said, "Stop fidgeting."

22          Q.       What happened after he said stop fidgeting?

23          A.       "Yo, handcuff him, man, stop moving too much."

24          Q.       The tall officer turned to the shorter officer  
25   and said, "Handcuff him, he's moving too much"?

## A. MAJORS IV

1 A. Yes.

2 Q. At that point, did the shorter officer handcuff  
3 you?

4 A. Yes.

5 Q. Did he turn you around?

6 A. Yes.

7 Q. Did he put one of his hands on you to turn you  
8 around --

9 A. No.

10 Q. Did he ask you to turn around?

11 A. Turn around, put your hands behind your back.

12 Q. Did you comply?

13 A. Yes.

14 Q. Do you know which of the officers put handcuffs  
15 on you once you turned around?

16 A. I'mma say it's the stocky one.

17 Q. Did you see that it was the stocky one?

18 A. Only reason why I'm saying it's the stocky one  
19 because, because the tall one order -- made it like an  
20 order, like, "Yo, handcuff him."

21 Q. Did you then turn around?

22 A. Yes.

23 Q. And you put your back up against the wall again?

24 A. My stomach against the wall.

25 Q. After you were handcuffed --

## A. MAJORS IV

1 A. Oh, after I was handcuff, I turned back around,  
2 yes.

3 Q. After you were handcuffed, you turned back  
4 around. Did someone say something at that point?

5 A. Yes.

6 Q. Who was the next person to say something?

7 A. The skinny officer, the tall one.

8 Q. What did the taller officer say?

9 A. He asked me was my friends -- was my friend's  
10 house the house that the guys ran into.

11 Q. What did you say?

12 A. I said no.

13 MR. HARVIS: Could we take a five-minute  
14 break? Is that okay?

15 MR. SALEEM: I'll be right back.

16 (Whereupon, a recess was taken from 4:30 to  
17 4:33.)

18 Q. One of the officers asked you whether your  
19 friend's house was the one that the guys ran into?

20 A. Yes.

21 Q. Which officer was that?

22 A. The tall one.

23 Q. And you responded no?

24 A. Yes.

25 Q. What was the next thing anyone said?

## A. MAJORS IV

1       A.       He said, "Hey, man, go knock on your pal's door  
2       upstairs, and we'll let you go."

3       Q.       This was the tall officer?

4       A.       Yes.

5       Q.       Did you go knock on the door upstairs?

6       A.       No.

7       Q.       Did you respond in any way?

8       A.       Yes.

9       Q.       What did you say?

10      A.       "I'm not going to knock on their door upstairs."

11      Q.       Did anyone say something next?

12      A.       Yes.

13      Q.       Who said something?

14      A.       "Hey, man, you -- you want to be a smart guy, you  
15      going to jail for criminal trespassing."

16      Q.       Which of the two officers said that?

17      A.       That was the tall guy.

18      Q.       Did you respond?

19      A.       Yes.

20      Q.       What did you say?

21      A.       "Nobody's trespassing."

22      Q.       Did anyone else say anything?

23      A.       Yeah. After I said that, he said, "Oh, you guys  
24      are in here playing dice, smoking weed."

25      Q.       The tall officer said that --

## A. MAJORS IV

1 A. Yeah.

2 Q. -- that you guys are in here --

3 A. Smoking, smoking weed, playing dice.

4 Yeah, he really wanted me to go knock on those  
5 guys' doors upstairs.

6 Q. Did he say again that he wanted you to go knock  
7 on the door?

8 A. No, he didn't say. He just said it one time, and  
9 after that one time he was like, "Yo, you going to jail for  
10 criminal trespassing."

11 Q. When he said, "You guys are in here smoking weed  
12 and playing dice," did you say anything?

13 A. "I'm not smoking weed or playing dice."

14 Q. Did you say anything else?

15 A. After that, no.

16 Q. Did they say anything else after that?

17 A. What they did after that, they was --

18 They was radioing -- radioing whoever they was  
19 radioing. It was radio, on they radio, and two other  
20 officers showed up.

21 Q. Which officer used his radio, the tall one --

22 A. The tall one.

23 Q. -- or the shorter one?

24 A. The tall one.

25 Q. Have you told me all of the things that were said

## A. MAJORS IV

1 between you and the two officers before the tall officer  
2 used his radio?

3 A. Yes.

4 Q. So the things you've told me so far, those are  
5 all the things that were said between you and the two  
6 officers up to that point?

7 A. Yes.

8 Q. When the tall officer used his radio, did you  
9 hear what he said over his radio?

10 A. It was some kind of code. It was some kind of  
11 code.

12 All I know is two officers showed up after that,  
13 but before the two officers showed up, that's when they  
14 went in my back pocket, and they grabbed my wallet. They  
15 grabbed my wallet out my pocket. They took my ID.

16 Q. At that point, were your hands still handcuffed  
17 behind your back?

18 A. Yes, they were cuffed.

19 Q. And you're still facing them?

20 A. Yes.

21 Q. This whole time, you are standing by the stairs?

22 A. No, I was more on the wall away from the stairs.

23 Q. How many feet away from the stairs were you?

24 A. Probably about two feet away from the stairs.

25 It's a compact -- I was between the compactor and the



## A. MAJORS IV

1 beginning of the step.

2 Q. At any point up to where we are right now when  
3 they radio, when the officer uses his radio, did you see  
4 anyone in the hallway, aside from the people who ran on the  
5 fourth floor and the two officers?

6 A. No.

7 Q. No one walked by?

8 A. No.

9 Q. Have you spoken to anyone since then that has  
10 said to you, "I saw your conversation with those two  
11 officers," or "I heard your conversation with those two  
12 officers"?

13 A. No.

14 Q. Do you know of anyone who saw or overheard your  
15 conversation with those two officers up to this point?

16 A. No.

17 Q. How long did it take from the time the taller  
18 officer used his radio until the two other officers  
19 arrived?

20 A. About seven minutes, just waiting.

21 Q. And you were handcuffed that whole time?

22 A. Yes.

23 Q. What happened when the other two officers  
24 arrived?

25 A. I got -- I left something out.

## A. MAJORS IV

1           Before that, between the seven minutes, the  
2       officers went in my wallet, and they pulled out -- I mean,  
3       they went in my pocket and they pulled out my wallet and  
4       the officer took my ID, and that's when they were on they  
5       radio, doing their penal code or whatever it was, I guess  
6       checking my background see if I have anything, and then the  
7       two other officers showed up.

8       Q.       During those seven minutes, aside from pulling  
9       your wallet out of your back pocket, did the officers reach  
10      into any other pockets?

11      A.       No --

12           Yeah, yes, they did. They reached in all my  
13      pockets. They frisked me, searched me. They searched me,  
14      and I had nothing on me but my car keys and my cell phone.

15      Q.       At what point did they search you?

16      A.       The point when I was handcuffed.

17      Q.       Was it after you had the back-and-forth with the  
18      questions and the answers about the apartment?

19      A.       Nah, it was -- it was before that, honestly. It  
20      was before this.

21           They was digging my hand -- in my pockets, like,  
22      the whole time we was talking. The tall officer, he was  
23      going in my pockets the whole time. The whole time we was  
24      talking, he was going through my pockets.

25      Q.       The two officers who showed up, did you get a

## A. MAJORS IV

1 look at their faces?

2 A. The two officers that showed up, right?

3 Q. The second set of officers that showed up.

4 A. Yes.

5 Q. You got a look at their faces?

6 A. Yes, I did.

7 Q. Were they both male?

8 A. Yes.

9 Q. Did you exchange any words with those officers?

10 A. No, no, I didn't.

11 Q. In the approximately seven minutes between when  
12 the taller one radioed and the two new officers showed up,  
13 did the officers ask you any other questions?

14 A. "Is this your -- is this your -- your address, is  
15 this your real address, do you still live there?" I was,  
16 like, "Yes."

17 Q. Looking at your ID?

18 A. Yes.

19 Q. So looking at the ID, they asked you if that was  
20 still your address?

21 A. Yes.

22 Q. And you responded that yes, it was?

23 A. Yes, it is.

24 Q. Any other questions they asked you during that  
25 time?

## A. MAJORS IV

1 A. No.

2 Q. Did you say anything to them during that time?

3 A. Like, "Is this -- is y'all's serious? Like, I'm  
4 going to jail for criminal trespassing, and I know people  
5 in the building, you know what I'm saying," and that he's  
6 all -- they wasn't really trying to hear me.

7 Q. You asked them if they were serious --

8 A. Yes.

9 Q. -- for arresting you for criminal trespassing?

10 A. Yes.

11 Q. And what else did you say?

12 A. They wasn't trying to hear me, that's what I  
13 said.

14 MR. SALEEM: And you know people in the  
15 building; that's what you said.

16 THE WITNESS: Yes, I know people in the  
17 building.

18 Q. Did you say who you knew in the building?

19 A. No.

20 Q. Did you say anything else?

21 A. No, I didn't.

22 Q. Did they say anything else?

23 A. No.

24 Q. The two new officers that showed up, were they  
25 black or white?

## A. MAJORS IV

1 A. White.

2 Q. They were both white?

3 A. Yes.

4 Q. Were they both in blue uniforms?

5 A. Yes.

6 Q. Were they both wearing their hats?

7 A. Yes.

8 Q. Were they the same height?

9 A. I really don't know, tell you the truth, but one  
10 was definitely taller than the other one.

11 Q. Did anything else stand out to you about their  
12 appearance?

13 A. No.

14 Q. Was one stockier than the other, was one --

15 A. The two that came there, they was --

16 No, there was really nothing different about them  
17 besides, I -- one of them had, like, a brown hair. I  
18 believe it's Officer Pumilia.

19 Q. Officer Pumilia was one of the officers who  
20 showed up after the radio call?

21 A. Yes.

22 MR. SALEEM: We're just going to call for  
23 production of the names and service addresses of  
24 the first two officers as it appears there are  
25 more officers on the scene, and we ask that you

## A. MAJORS IV

1 supplement the 26A disclosures.

2 MR. DORFMAN: If you could just put it in  
3 writing, I'll take it under advisement.

4 MR. SALEEM: Sure, although it's something  
5 you should be doing anyway to supplement the  
6 disclosures.

7 Q. How do you know that one of the two officers who  
8 showed up after the radio call is named Pumilia?

9 A. 'Cause he's the guy who did my paperwork. He was  
10 the one who escorted me back to the precinct.

11 Q. Was he the one with the brown hair?

12 A. He had brown hair. The other officers, one of  
13 the other officer --

14 The tall, he had a brown hair, too.

15 Q. Of the two new officers who showed up --

16 A. -- only one of them had brown hair.

17 Q. What color hair did the other one have?

18 A. I don't -- he might have had his hat on.

19 Q. Didn't you say they both had their hats on?

20 A. Yeah, they both had their hats off but the  
21 process of take his hat off I seen his hair color.

22 Q. Oh, so you saw --

23 A. Pumilia in the station, I saw him in the station,  
24 he had his hat off.

25 Q. When these two officers, one who you say is

## A. MAJORS IV

1 Officer Pumilia --

2 Do you know the name of the other one?

3 A. No, I don't.

4 Q. When these two approached, you were still in the  
5 third floor hallway?

6 A. Handcuffed, yes. Yes, sorry.

7 Q. Did either of them say anything to you when they  
8 walked up?

9 A. No.

10 Q. Did you say anything to either of them when they  
11 walked up?

12 A. No.

13 Q. Did either of the two officers who first stopped  
14 you say anything to the other two?

15 A. Yes.

16 Q. What did they say?

17 A. "Who want the collar, who want to take the  
18 collar?"

19 Q. Which one of the two said that?

20 A. The tall one said, "Who wants to collar?"

21 Q. Was there a response?

22 A. Pumilia didn't want to take it.

23 Q. Did he say, "I don't want to take it"?

24 A. He, like, Nah, yo, he going to give it to his  
25 partner. His partner was, I guess, less experienced, more

## A. MAJORS IV

1 of a rookie, and he was going to give it to his partner,  
2 but then Pumilia said, "Yo, I take it."

3 Q. What were the words that Pumilia, Officer Pumilia  
4 used?

5 A. He'll take it. He wanted to push it off to his  
6 partner.

7 Q. How do you know what he wanted?

8 A. He was right there.

9 Q. Did you turn to the other officer and say, "Do  
10 you want it?"

11 A. Yes.

12 Q. What did that officer say?

13 A. He said if it's nothing, man, he'll take it.

14 We sat there until the transportation came. They  
15 was debating on who was going to take the collar, and  
16 that's when Pumilia said, "I'll take it."

17 Q. So there was some debate back and forth between  
18 them?

19 A. Yes.

20 Q. And then Pumilia said, "I'll take it"?

21 A. Yes.

22 Q. How long was it before the two officers, the  
23 second set of officers, these two we've been talking about,  
24 Pumilia and the other officer, how long was it before they  
25 walked up and transportation came?



## A. MAJORS IV

1           A.       How long was it? Transportation came shortly  
2       after Pumilia and his partner coming in.

3           Q.       When you say shortly, how long is shortly?

4           A.       Three minutes to four minutes.

5           Q.       When you say transportation, what do you mean?

6           A.       The cop car that was outside.

7           Q.       Was it a van?

8           A.       No, it was a car.

9           Q.       It was a four-door sedan?

10          A.       Yes.

11          Q.       Was it marked?

12          A.       Yes.

13          Q.       So it had police written on it, NYPD and all  
14       that?

15          A.       Yes, it did.

16          Q.       Someone other than those four officers that  
17       you've been interacting with was driving the car?

18          A.       Yes.

19                 Actually, the cops that were driving the car was  
20       walking towards the building as they were escorting me  
21       down.

22          Q.       Were you still on the third floor with the four  
23       officers when the transportation pulled up?

24          A.       I couldn't see that. No, I couldn't see that.

25                 I know when transportation came, that's when they

## A. MAJORS IV

1 escorted me downstairs in the elevator, and that's when I  
2 seen two officers walking towards you, and they was having  
3 they discussion, and that's when they put me to the car.  
4 Two officers got in the front; Pumilia got in the back with  
5 me.

6 Q. As you were walking out with the four officers,  
7 you saw the two officers get out of the car and walk --

8 A. I didn't see them get out of the car. I saw them  
9 walking towards the building.

10 Q. You saw two more officers walking towards the  
11 building?

12 A. Yes.

13 Q. At that point, did you see anyone in the car?

14 A. No.

15 Q. Was there anyone in the car?

16 A. No.

17 Q. Could you see into the car?

18 A. Yes, I could. I could see into the car.

19 Q. And there was no one in there?

20 A. No one was in the car.

21 Q. When you got into the backseat with Officer  
22 Pumilia, who got into the front seat?

23 A. The two officers that was walking towards us in  
24 the building.

25 Q. So three officers stayed by the building? When

## A. MAJORS IV

1 Q. What happened next?

2 A. He got in the car, and we drove it the precinct.

3 Q. That's Officer Pumilia who got in the car?

4 A. Yes.

5 Q. And you drive to the precinct?

6 A. Yes.

7 Q. How long did it take to get to the precinct?

8 A. Five minutes.

9 Q. Do you know what time it was by this point?

10 A. Can't say I do.

11 MR. SALEEM: Off the record.

12 (Whereupon, an off-the-record discussion was

13 held from 5:01 to 5:02.)

14 Q. Just to go back a little bit, at any time before  
15 you were handcuffed, did any officer ask you to leave the  
16 building?

17 A. No.

18 Q. How about afterwards? Did anyone tell you that  
19 they wanted you to leave the building?

20 A. No.

21 Q. You didn't struggle with the officers at any  
22 point, right?

23 A. No.

24 Q. Up to the point that you got in the police car,  
25 were you physically injured in any way?

## A. MAJORS IV

1 A. Yes, T-shirt and jeans.

2 Q. Was anything in the pockets of your hoodie?

3 A. No.

4 Q. Did you at any point say, "Hey, wait, I want to  
5 go grab my hoodie"?

6 A. No.

7 Q. While you were standing in the hallway with the  
8 officers, did you give them Isaiah's name?

9 A. No.

10 Q. Did you give them Isaiah's apartment number?

11 A. No.

12 Q. Did you tell them to knock on his apartment door?

13 A. No, 'cause they never asked me.

14 Q. While you were in the hallway with the police  
15 officers, could you see Isaiah's apartment from where you  
16 were standing?

17 A. It was right next to us.

18 Q. But you didn't tell the officers that that was  
19 the apartment that you were visiting?

20 A. No.

21 Q. As you walked outside and you were walking to the  
22 police car, were your friends still out there from earlier?

23 A. Yeah, but you really can't tell because it's --  
24 it's like --

25 It's not like that. Only way I could see them is

## A. MAJORS IV

1 A. Yes.

2 Q. And the female with Isaiah whose name you don't  
3 know saw you getting driven away?

4 A. Yes.

5 Q. Anybody else that you know?

6 A. No, that's everybody right there.

7 Q. Do you know which precinct you were taken to?

8 A. The PSA 2.

9 Q. Had you ever been there before?

10 A. On occasion. Like, it's the precinct that's next  
11 to my house, so that's where we go to for, like,  
12 complaints, accident reports, things like that.

13 Q. You'd been to that precinct on other occasions?

14 A. Yeah. Meaning, like, accident reports and stuff  
15 like that 'cause my car got -- well, not my car; my  
16 father's car -- got hit one time, and I had to make the  
17 police report, and I had went to the PSA 2 to go file the  
18 police report.

19 Q. When was that?

20 A. It was sometime in the summer.

21 Q. Earlier that same summer?

22 A. Yeah, before this occasion happened.

23 Q. It took you about five or six minutes to get to  
24 PSA 2?

25 A. Yes.

## A. MAJORS IV

1 Q. What date was that, that you want to the warrants  
2 part?

3 A. It was the 30th.

4 Q. What happened there?

5 A. They gave me a card or something with something  
6 on there, and I had to go back upstairs to room, I think,  
7 or might have been a different room.

8 Q. Was that the last time that you were to appear  
9 pursuant to this ticket?

10 A. Yes.

11 Q. When did you find out that you would be getting  
12 an ACD?

13 A. When I went back in, turned myself in for the  
14 warrant squad.

15 Q. On the 30th?

16 A. Yes.

17 Q. Did you talk to a judge that day?

18 A. I don't talk to a judge, no.

19 Q. Who gave the you ACD?

20 A. The judge gave me the ACD.

21 Q. In the warrants part?

22 A. No, some other room. I don't know what it was.

23 Q. But it was that same day?

24 A. Yes.

25 Q. Do you know how long that ACD is for?

## A. MAJORS IV

1 A. Yes.

2 MR. SALEEM: Objection. Objection; you can  
3 answer.

4 Q. -- during this deposition?

5 A. Yes.

6 MR. DORFMAN: I have no further questions.

7 Thank you for your time.

8 (Whereupon, at 6:35 p.m., the examination of  
9 this witness was concluded.)

10

11

12

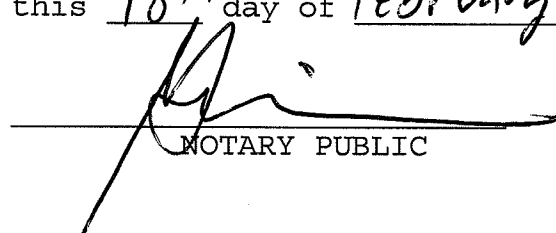
  
ALBERT MAJORS IV

13

14 Subscribed and sworn to before me

15 this 18<sup>th</sup> day of February, 2011.

16

17   
NOTARY PUBLIC

18

19

GABRIEL HARVIS  
Notary Public, State of New York  
No. 02HA6196800  
Qualified in Kings County  
Commission Expires 11/17/2012

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21

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25

## A. MAJORS IV

## E X H I B I T S

## DEFENDANTS' EXHIBITS:

EXHIBIT LETTER	EXHIBIT DESCRIPTION	PAGE
A	Desk appearance ticket with handwriting dated June 19, 2010	94
B	7-page amended complaint dated January 14, 2011	219

## I N D E X

EXAMINATION BY	PAGE
MR. DORFMAN	3

INFORMATION AND/OR DOCUMENTS REQUESTED INFORMATION AND/OR DOCUMENTS	PAGE
Production of the disposition letter that Mr. Majors gave his attorneys	9
Productions of names and service addresses of the first two officers on the scene	166
Production of the retainer agreement	193
Spelling of "Marantha"	211

PAGE LINE	QUESTIONS MARKED FOR RULINGS QUESTION
86 25	Did you commit that crime?





## A. MAJORS IV

## C E R T I F I C A T E

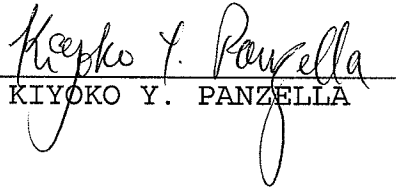
STATE OF NEW YORK       )  
                                      : SS.:  
COUNTY OF KINGS       )

I, KIYOKO Y. PANZELLA, a Notary Public for and  
within the State of New York, do hereby certify:

That the witness whose examination is  
hereinbefore set forth was duly sworn and that such  
examination is a true record of the testimony given by that  
witness.

I further certify that I am not related to any  
of the parties to this action by blood or by marriage and  
that I am in no way interested in the outcome of this  
matter.

IN WITNESS WHEREOF, I have hereunto set my hand  
this 31st day of January, 2011.

  
KIYOKO Y. PANZELLA